

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM LEONARD,

Plaintiff

V.

L/B WATER SERVICE, INC.,

Defendant

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 : CIVIL ACTION NO.: \_\_\_\_\_  
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 : JURY TRIAL DEMANDED  
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## COMPLAINT

Plaintiff, WILLIAM LEONARD, a resident of Snyder County, Pennsylvania, by and through his attorneys, brings this civil action for damages against the above named Defendant, L/B WATER SERVICE, INC., demands a trial by jury, and complains and alleges as follows:

## **JURISDICTION AND VENUE**

1. Jurisdiction of the claims set forth in this Complaint is proper in this judicial district pursuant to 28 U.S.C. §1331.
2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to these claims occurred in this judicial district.

### **THE PARTIES**

3. Plaintiff, William Leonard (“Mr. Leonard”), is a male adult individual residing at 201 Green Street, Selinsgrove, Snyder County, Pennsylvania 17870.

4. Defendant, L/B Water Service, Inc. (“LB Water”), is a Pennsylvania corporation with a business address of 550 South High Street, Selinsgrove, Snyder County, Pennsylvania 17870.

5. At all times relevant and material hereto, LB Water employed in excess of 20 people.

### **ADMINISTRATIVE PROCEEDINGS**

6. On or about April 2, 2021, Mr. Leonard filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), which was docketed as Charge Number 530-2021-02642, and cross filed with the Pennsylvania Human Relations Commission.<sup>1</sup>

7. Plaintiff received a Dismissal and Notice of Rights from the EEOC dated August 6, 2021.

8. All necessary and appropriate administrative prerequisites to this action have occurred.

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<sup>1</sup> Plaintiff intends to amend this Complaint to add a count of violations of the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.*, at such time that Plaintiff has met the administrative remedy requirements, which will be on or after April 2, 2022.

### **STATEMENT OF FACTS**

9. Mr. Leonard initially was hired as a yard worker/ laborer and began his employment with LB Water at its Selinsgrove, Pennsylvania location on or about July 12, 2000.

10. Mr. Leonard held the yard worker/ laborer position for approximately one year, and thereafter he worked as a truck driver for LB Water for approximately ten years.

11. In or around 2014, Mr. Leonard transitioned to Technical Customer Service Representative I, which was an inside sales position.

12. Mr. Leonard always performed his job in a satisfactory manner.

13. In or about March 2020, Mr. Leonard was laid off by LB Water, along with a number of other employees from the Selinsgrove location, due to the COVID-19 pandemic.

14. Of the individuals laid off, five were employed as Customer Service Representatives at the Selinsgrove location.

15. At the time Mr. Leonard was laid off, he was fifty-three (53) years of age, and therefore he was protected from employment discrimination because of his age under the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §621 *et. seq.* (“ADEA”).

16. On or about June 4, 2020, Mr. Leonard's layoff was made permanent, and his employment with LB Water was terminated.

17. At the time Mr. Leonard was terminated, the Selinsgrove Sales Department consisted of about twelve to fifteen employees, all but one of whom were significantly younger than Mr. Leonard, and five of whom had less sales experience than Mr. Leonard.

18. Mr. Leonard was the only employee from the Selinsgrove Sales Department who was laid off and ultimately terminated, while three other younger sales staff with significantly less experience than Mr. Leonard were brought back after being laid off.

19. While Mr. Leonard was laid off, he was replaced in the Sales Department by an employee who was significantly younger, which contradicted the company's stated reason that Mr. Leonard was laid off due to the pandemic.

20. The actions of LB Water in terminating Mr. Leonard, who was the oldest and most experienced employee in his department, and replacing him with a much younger employee while also retaining all of the other younger and less experienced employees, violated the ADEA.

**COUNT I**  
**VIOLATIONS OF THE ADEA**

21. The averments in all prior paragraphs are incorporated by reference as though fully set forth herein.

22. LB Water discriminated against Mr. Leonard due to his age, in violation of the ADEA, by terminating him based upon his age and then replacing him with a substantially younger worker.

23. As a consequence of the LB Water's actions and failures to act, Mr. Leonard was subjected to past and ongoing economic loss.

24. The actions of LB Water set forth above constitute violations of Mr. Leonard's federal civil rights under the ADEA.

WHEREFORE, Plaintiff William Leonard respectfully requests this Honorable Court to enter judgment in his favor and against L/B Water Service, Inc., together with back pay and front pay, liquidated damages, reasonable attorneys' fees and costs, and any such other relief as this Honorable Court deems just and appropriate, which total amount exceeds the jurisdictional limits for mandatory arbitration referral.

### **DEMAND FOR JURY**

Pursuant to Federal Rule of Civil Procedure 38(b) and otherwise, Plaintiff respectfully demands a trial by jury.

Respectfully submitted,

**Weisberg Cummings, P.C.**

November 1, 2021  
Date

/s/ Larry A. Weisberg  
Larry A. Weisberg  
PA Bar I.D. #: 83410  
lweisberg@weisbergcumplings.com

/s/ Derrek W. Cummings

Derrek W. Cummings

PA Bar I.D. #: 83286

dcummings@weisbergcummings.com

/s/ Steve T. Mahan

Steve T. Mahan

PA Bar I.D. #: 313550

smahan@weisbergcummings.com

/s/ Michael J. Bradley

Michael J. Bradley

PA Bar I.D. #: 329880

mbradley@weisbergcummings.com

2704 Commerce Drive, Suite B

Harrisburg, PA 17110

(717) 238-5707

(717) 233-8133 (FAX)

Attorneys for Plaintiff